

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

SAMMY QUATTLEBAUM, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:08-CV-01423

ACTAVIS GROUP et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

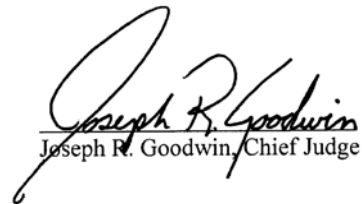
I have received the plaintiffs' response to the Order to Show Cause entered on January 12, 2010. The plaintiffs offer no justification for their failure to substantially complete the Plaintiff Fact Sheet or their lack of response to the July 14, 2009, deficiency letter sent to them by the defendants. They assert only that they require an additional 60 days for their retained expert to examine the tablets in their possession to ascertain if they exceed the labeled dose and in the event the prescription contains the correct product, plaintiff will consider dismissing the case.

The plaintiffs are not excused from their obligation to fully respond to the questions posed on the Plaintiff Fact Sheet simply because they are awaiting an expert report. Accordingly, I **ORDER** the Plaintiffs, no later than February 12, 2010, to fully respond to the omissions outlined in the deficiency letter. Additionally, I do not deem the Plaintiffs' response to the Order to Show Cause to satisfactorily explain, much less substantially justify, their utter failure to comply with PTO 16. Accordingly, absent any showing of substantial justification to be filed no later than February 16, 2010, I will **IMPOSE** sanctions against the plaintiff's counsel in the amount of \$500.00 pursuant

to Federal Rule of Civil Procedure 16(f). If the fault lies elsewhere, counsel may so advise me by the prescribed date.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 3, 2010



Joseph R. Goodwin
Joseph R. Goodwin, Chief Judge